

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**ORDER NO. 2001-139
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY**

AGAINST

SOUTHWEST MARINE

The San Diego Regional Water Quality Control Board (hereinafter SDRWQCB) having held a public hearing on June 13, 2001, to hear evidence and comments on the allegations contained in *Complaint No. 2001-138*, dated May 14, 2001, and on the recommendation for administrative assessment of Civil Liability in the amount of twelve thousand six hundred sixty-four dollars (\$12,664) finds as follows:

1. The toxicity limit in *Order No. 97-36, Discharge Specification B.8.*, states the following:

Effective July 1, 1999, in a 96-hour static or continuous flow bioassay (toxicity) test, undiluted stormwater runoff associated with industrial activity which is discharged to San Diego Bay shall not produce less than 90 percent survival, 50 percent of the time, and not less than 70 percent survival 10 percent of the time, using a standard test species and protocol approved by the Executive Officer. Until July 1, 1999, this level of acute toxicity shall be a performance goal. [Enclosed Bays and Estuaries Policy]

2. According to *Southwest Marine's (SWM) 1999-2000 Annual Stormwater Monitoring Report*, on February 12, 2000, and April 17, 2000, SWM sampled storm water runoff from two discharge points that resulted in two outfall discharges from the facility. Both discharge points had a toxic response that violated the storm water discharge specification in *Order No. 97-36*. A separate violation was assessed for each of the two outfall discharges. The severity of the toxic response varied at each discharge point.
3. For the storm event on February 12, 2000, the reported storm water discharge flow was 15,276 gallons.

4. *California Regional Water Quality Control Board, San Diego Region, Analysis of Administrative Civil Liability, Complaint No. 2001-138, Southwest Marine, April 23, 2001,* contains an analysis of the *Porter-Cologne Water Quality Control Act, California Water Code (CWC) § 13385* factors supporting the assessment of civil liability. Assessment of civil liability in the amount of \$12,664 in this matter is based on a summation of the proposed liability for each violation and for the volume of the discharge pursuant CWC § 13385 et seq.
5. This enforcement action is exempt from the provisions of the *California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, § 21000 et seq.)* in accordance with the CWC § 13389.

IT IS HEREBY ORDERED that civil liability is imposed on SWM in the amount of twelve thousand six hundred sixty-four dollars (**\$12,664**) payable immediately, and that the rationale for the assessment contained in *California Regional Water Quality Control Board, San Diego Region, Analysis of Administrative Civil Liability, Complaint No. 2001-138, Southwest Marine, May 14, 2001,* is hereby incorporated into this Order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on June 13, 2001.

JOHN H. ROBERTUS
Executive Officer